

# COMMERCIAL VEHICLE SAFETY ALLIANCE



An Association of State, Provincial and Federal Officials  
Responsible for the Administration and Enforcement of Motor  
Carrier Safety Laws in the United States, Canada and Mexico.

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April 6, 2001

U.S. Department of Transportation  
Dockets Management Facility, Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590

**Re: Docket No. FMCSA-2000-7017**  
**Safety Requirements for Operators of Small Passenger-Carrying Commercial**  
**Motor Vehicles Used in Interstate Commerce**

The Commercial Vehicle Safety Alliance (CVSA) is pleased to comment on the Federal Motor Carrier Safety Administration's (FMCSA) Notice of Proposed Rulemaking (NPRM) regarding commercial vans operating in interstate commerce. We fully support subjecting such operations to the requirements of the Federal Motor Carrier Safety Regulations (FMCSR).

Our first comment is to point out that in its preamble to the NPRM, the Agency states that "while the data has limitations, it is alarming and suggests the need for action to improve the operational safety of this group of motor carriers" in discussing the operators of small passenger-carrying Commercial Motor Vehicles (CMVs). From CVSA's perspective this is an important statement, since safety and uniformity is embodied in everything we do.

CVSA applauds the FMCSA for taking action to address this provision of TEA-21 and Section 212 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA-99). This is an important step in increasing CMV safety.

The CVSA believes that in this NPRM the FMCSA has not fulfilled the intent of Congress in Section 212 of the MCSIA-99. The act states that "in no case should the rulemaking exempt from such regulations (referring to the Federal Motor Carrier Safety Regulations) **all** (emphasis added) motor carriers operating commercial vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation."

CVSA believes the FMCSA has fallen short with this NPRM on three specific issues:

- The fact that the Federal Motor Carrier Safety Regulations include 49 CFR Parts 300-399 and more specifically, the Commercial Drivers License (CDL) and controlled substance/alcohol testing requirements, both of which are not included in this rulemaking.

- The agency should not redefine the meaning of “for compensation” for purposes of this rulemaking. Both direct and indirectly compensated motor carriers should be subject to these requirements. The Agency should also consider making these rules applicable to “private” motor carriers as well.
- Commerce is commerce. If a commercial motor vehicle fits the definition as prescribed in 49 CFR Section 390.5, and for purposes of the CDL Section 383.5, they should be subject to the FMCSRs, regardless of how far they travel.

Another comment we would point out is that since the NPRM includes commercial vans in the Safety Fitness Procedures of Part 385 – which we fully support – if the FMCSA leaves out certain Parts of the FMCSR how will this affect the safety rating and penalty provisions for motor carriers? Following this through a step further, how will this affect SafeStat? Inconsistencies in applicability will result in inconsistencies in data.

The Agency should not pick and choose which requirements are applicable to commercial vans, especially in light of its own admissions about the safety concerns of these operations, as noted above. The traveling public should expect that these transportation providers be required to adhere to the same requirements as bus/motorcoach operators. Anything less would compromise safety and would complicate compliance and enforcement.

We thank the Agency for this opportunity to comment on this important rulemaking. The regulation and oversight of passenger safety, by any mode of transportation, is a critical and indispensable role of government.

Sincerely,

A handwritten signature in black ink that reads "Stephen F. Campbell". The signature is written in a cursive, flowing style.

Stephen F. Campbell  
Executive Director